

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

TOWAUN COLEMAN,

Plaintiff,

vs.

9:18-CV-390  
(MAD/CFH)

LT. DURKIN, SGT. HUTTI, SGT. KING,  
WYATT, S. DUBREY, SPINNER, J. TYLER,  
CORRECTIONS OFFICER CORYEA,  
CORRECTIONS OFFICER DEMERS, and  
JOHN REYELL,

Defendants.

**JURY VERDICT FORM**

PLEASE NOTE - Each Juror will be provided with a Verdict Form. HOWEVER, YOUR VERDICT SHOULD BE REPORTED TO THE JUDGE ON ONLY ONE VERDICT FORM WHICH IS SIGNED BY THE JURY FOREPERSON. The remaining Verdict Forms should be returned to the courtroom deputy unsigned.

**ALSO, please carefully follow the bold-type directions accompanying each question.**

**I. EXCESSIVE FORCE**

1(a). Did Plaintiff prove by a fair preponderance of the credible evidence that, on June 8, 2015, any of the Defendants used excessive force against him in violation of the Eighth Amendment of the United States Constitution?

Defendant Durkin Yes \_\_\_\_\_ No ✓

Defendant Hutti Yes \_\_\_\_\_ No ✓

Defendant King Yes \_\_\_\_\_ No ✓

Defendant Wyatt Yes \_\_\_\_\_ No ✓

Defendant S. Dubrey Yes \_\_\_\_\_ No ✓

<b>Defendant Spinner</b>	Yes _____ No <u>✓</u>
<b>Defendant J. Tyler</b>	Yes _____ No <u>✓</u>
<b>Defendant Coryea</b>	Yes _____ No <u>✓</u>
<b>Defendant Demers</b>	Yes _____ No <u>✓</u>
<b>Defendant Reyell</b>	Yes _____ No <u>✓</u>

**If you answered "No" with respect to all Defendants in Question 1(a), your deliberations are complete. Please have the foreperson sign and date the last page of the Verdict Form. If you answered "Yes" with respect to any Defendant(s) in Question 1(a), please proceed to Question 1(b) as to any such Defendant(s).**

**1(b). Did Plaintiff prove by a fair preponderance of the credible evidence that the alleged use of excessive force on June 8, 2015, by any Defendant(s), proximately caused an injury to Plaintiff?**

<b>Defendant Durkin</b>	Yes _____ No _____
<b>Defendant Hutti</b>	Yes _____ No _____
<b>Defendant King</b>	Yes _____ No _____
<b>Defendant Wyatt</b>	Yes _____ No _____
<b>Defendant S. Dubrey</b>	Yes _____ No _____
<b>Defendant Spinner</b>	Yes _____ No _____
<b>Defendant J. Tyler</b>	Yes _____ No _____
<b>Defendant Coryea</b>	Yes _____ No _____
<b>Defendant Demers</b>	Yes _____ No _____
<b>Defendant Reyell</b>	Yes _____ No _____

**If you answered "No" with respect to all Defendants in Question 1(b), your deliberations are complete. Please have the foreperson sign and date the last**

page of the Verdict Form. If you answered "Yes" with respect to any Defendant(s) in Question 1(b), please proceed to Question 1(c).

- 1(c). What sum of money, if any, do you find that Plaintiff has proven by a fair preponderance of the evidence would fairly compensate him for any injury he has suffered that was proximately caused by Defendant(s) alleged use of excessive force surrounding the June 8, 2015, incident?

\$ \_\_\_\_\_

Please note that you may not award both compensatory and nominal damages. Therefore, if you found in Question 1(c) that Plaintiff is entitled to compensatory damages for the June 8, 2015 incident, please skip Question 1(d) and proceed to Question 1(e). If you found that Plaintiff is not entitled to compensatory damages in Question 1(c), please proceed to Question 1(d) and award Plaintiff nominal damages of no more than \$1.00.

- 1(d). What amount, if any, do you award as nominal damages to Plaintiff for the alleged excessive force incident on June 8, 2015?

\$ \_\_\_\_\_

Please proceed to Question 1(e).

- 1(e). Did Plaintiff establish by a fair preponderance of the evidence that the Defendant(s) for whom you answered "Yes" to both Questions 1(a) and 1(b) was motivated by evil motive or intent or by reckless indifference to Plaintiff's constitutional rights, such that punitive damages should be assessed against that Defendant(s)?

Defendant Durkin Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Hutti Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant King Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Wyatt Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant S. Dubrey Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Spinner Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant J. Tyler Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Coryea Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Demers Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Reyell Yes \_\_\_\_\_ No \_\_\_\_\_

Please proceed to Question 2(a).

**II. FAILURE TO INTERVENE**

2(a). Did Plaintiff prove by a fair preponderance of the credible evidence that any of the Defendants violated his Eighth Amendment rights by failing to intervene to prevent the alleged use of excessive force on June 8, 2015?

Defendant Durkin Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Hutti Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant King Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Wyatt Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant S. Dubrey Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Spinner Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant J. Tyler Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Coryea Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Demers Yes \_\_\_\_\_ No \_\_\_\_\_

Defendant Reyell Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered "No" with respect to all Defendants in Question 2(a), your deliberations are complete. Please have the foreperson sign and date the last page of the Verdict Form. If you answered "Yes" with respect to any Defendant(s) in Question 2(a), please proceed to Question 2(b) as to any such Defendant(s).

2(b). Did Plaintiff prove by a fair preponderance of the credible evidence that any of the

Defendants' failure to intervene to prevent the alleged use of excessive force on June 8, 2015, proximately caused an injury to Plaintiff?

Defendant Durkin	Yes _____ No _____
Defendant Hutti	Yes _____ No _____
Defendant King	Yes _____ No _____
Defendant Wyatt	Yes _____ No _____
Defendant S. Dubrey	Yes _____ No _____
Defendant Spinner	Yes _____ No _____
Defendant J. Tyler	Yes _____ No _____
Defendant Coryea	Yes _____ No _____
Defendant Demers	Yes _____ No _____
Defendant Reyell	Yes _____ No _____

If you answered "No" with respect to all Defendants in Question 2(b), your deliberations are complete. Please have the foreperson sign and date the last page of the Verdict Form. If you answered "Yes" with respect to any Defendant(s) in Question 2(b), please proceed to Question 2(c).

- 2(c). What sum of money, if any, do you find that Plaintiff has proven by a fair preponderance of the evidence would fairly compensate him for any injury he has suffered that was proximately caused by Defendant(s)' failure to intervene in the alleged use of excessive force on June 8, 2015?

\$ \_\_\_\_\_

Please note that you may not award both compensatory and nominal damages. Therefore, if you found in Question 2(c) that Plaintiff is entitled to compensatory damages for the April 8, 2015 incident, please skip Question 2(d) and proceed to Question 2(e). If you found that Plaintiff is not entitled to compensatory damages in Question 2(c), please proceed to Question 2(d) and award Plaintiff nominal damages of no more than \$1.00.

- 2(d). What amount, if any, do you award as nominal damages to Plaintiff for Defendant(s)' failure to intervene in the alleged use of excessive force on June 8, 2015?

\$ \_\_\_\_\_

**Please proceed to Question 2(e).**

- 2(e). Did Plaintiff establish by a fair preponderance of the evidence that any of the Defendants for whom you answered "Yes" to both Questions 2(a) and 2(b), was motivated by evil motive or intent or by reckless indifference to Plaintiff's constitutional rights by his failure to intervene, such that punitive damages should be assessed against that Defendant(s)?

<b>Defendant Durkin</b>	Yes _____ No _____
<b>Defendant Hutti</b>	Yes _____ No _____
<b>Defendant King</b>	Yes _____ No _____
<b>Defendant Wyatt</b>	Yes _____ No _____
<b>Defendant S. Dubrey</b>	Yes _____ No _____
<b>Defendant Spinner</b>	Yes _____ No _____
<b>Defendant J. Tyler</b>	Yes _____ No _____
<b>Defendant Coryea</b>	Yes _____ No _____
<b>Defendant Demers</b>	Yes _____ No _____
<b>Defendant Reyell</b>	Yes _____ No _____

**YOUR DELIBERATIONS ARE COMPLETE.**

**PLEASE INFORM THE MARSHAL THAT YOU HAVE REACHED A VERDICT.  
PLEASE REMEMBER TO HAVE THE FOREPERSON DATE AND SIGN YOUR  
VERDICT SHEET. THANK YOU.**

Dated: February 24, 2022

— Foreperson's Name Redacted —

Foreperson's Signature